



U.S. Citizenship
and Immigration
Services

C-1

File: [REDACTED] Office: VERMONT SERVICE CENTER

Date: JUL 9 2004

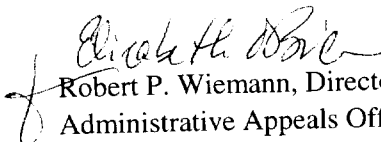
IN RE: Petitioner: [REDACTED]
Beneficiary: [REDACTED]

Petition: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

IN BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of privacy

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DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Vermont Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(4). The director denied the petition on July 22, 2003.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on August 20, 2003, counsel states:

Answering the objection in the same order as the denial:

1. The Corporation is in fact registered in the State of New York as a not-for-profit corporation, authorized to engage in the religious activities of a Church.
2. The beneficiary does have the requisite experience and qualifications, which we believe were detailed in prior correspondence, but which will be sent with the brief.
3. The proposed duties fall within the parameters of the Regulations and the Statute.
4. The petitioner does have the ability to pay the proffered wage. Evidence as to all the above will be included with the brief, to be sent within the time indicated.

Counsel’s statement refutes the director’s decision in a general way only. Counsel does not specifically identify any erroneous conclusion of law or statement of fact.

While counsel indicated that a brief and/or evidence would be forthcoming within thirty days, to date, over one year later, review of the record reveals no subsequent submission. All other documentation in the record predates the issuance of the notice of decision.

As the petitioner does not assert any specific claim that the director’s findings are incorrect or based on an erroneous conclusion of fact or law, the petitioner has failed to overcome the specific findings of the director. In the absence of any allegation detailing specific errors made by the director, we cannot find that the petitioner’s submission qualifies as a substantive appeal.

Accordingly, the regulations mandate the summary dismissal of the appeal.

ORDER: The appeal is dismissed.